

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
FIRST APPEAL NO. 32 OF 2012

Mangal Akaram Khot]
Age: 44 years, Occ: Housewife]
R/o. A/p – Julewadi, Tal. Shahuwadi]
Dist. Kolhapur]
.... Appellant

Versus

1. Santosh Bhupal Rattu]
Adult, Occ: Business]
R/o. 217, Hundwadi, Belgaum,]
Dist. Belgaum, State : Karnataka]
(Owner of Truck No.KA-22 / A 1811)]

2. United India Insurance Co. Ltd.]
Rajashri Shahu Sadan, Near Congress]
Bhavan, Station Road, Kolhapur,]
Dist: Kolhapur]
.... Respondents

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Mr. Sudhakar G. Thorat, Advocate for the Appellant.
Mr. H. G. Misar, Advocate for Respondent Nos.1 and 2.

CORAM : SHIVKUMAR DIGE, J.
DATE : 12th JUNE, 2025.

JUDGMENT. :

1. The issue involved in this appeal is compensation and consortium amount are awarded on lower side.
2. It is contention of learned counsel for the Appellant that

deceased was 14 years old. The Tribunal has awarded compensation and consortium amount are on lower side and multiplier is not applied properly. Learned counsel further submitted that as per the view of Hon'ble Apex Court in the case of ***Meean Devi vs. Nanu Chand Mahto alias Nemchand Mahto & Ors. (2023) 1 SCC 204***, the Claimant is entitled for compensation of Rs.5,00,000/-. Hence, it be awarded, and requested to allow the appeal.

3. It is contention of learned counsel for Respondent/Insurance Company that deceased was 14 years old at the time of accident. He was not earning anything, but the Claimant has shown he is earning falsely. The learned Tribunal has passed well reasoned order, and no interference is required in it, and requested to dismiss the appeal.

4. I have heard both learned counsel. Perused the judgment and order passed by Motor Accident Claims Tribunal, Kolhapur, for short (the Tribunal).

5. At the time of accident deceased was 14 years old. As per the view of Hon'ble Apex Court in the case of ***Meean Devi vs. Nanu Chand Mahto alias Nemchand Mahto & Ors. (2023) 1 SCC 204.***, the person below 15 years of age is entitled for lump sum compensation

of Rs.5,00,000/-. The Tribunal has awarded Rs.1,84,500/-, if this amount deducts from Rs.5,00,000/-, it would come to Rs.3,15,500/-.

The Claimant is entitled for this amount, and I pass following order:

ORDER

- i. Appeal is allowed.
 - ii. The Claimant is entitled enhanced amount of Rs.3,15,500/- @ 7.5% per annum from the date of filing claim petition, till realization of the amount.
 - iii. The Respondent/Insurance Company shall deposit the enhanced amount along with accrued interest thereon within a period of eight weeks, after receipt of the order.
 - iv. The Claimant is permitted to withdraw the deposited amount along with accrued interest thereon.
 - v. The Claimant shall pay deficit Court's fees on enhanced amount, as per Rules.
 - vi. Record and Proceedings be sent back to the Tribunal.
6. In view of the above, the appeal is allowed and disposed

of.

7. All pending applications, if any, stand also disposed of.

(SHIVKUMAR DIGE, J.)